

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
Oakland Venue

Petition for Arrest Warrant for Offender Under Supervision

Name of Offender

Gregory Ignacio

Docket Number

CR 02-40224-1 YGR

Name of Sentencing Judge:

The Honorable Claudia Wilken
Senior United States District Judge

Date of Original Sentence:

January 5, 2004

Original Offense

Count Two: Possessing a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c), a Class A Felony

Count Three: Felon in Possession of Firearm, 18 U.S.C. § 922(g)(1), a Class C Felony

Original Sentence: One hundred six (106) months [sixty (60) months custody on Count Two and forty-six (46) months custody on Count Three, to run consecutive], and three years supervised release.

Special Conditions: Special assessment \$100; not possess a firearm, destructive device, or any other dangerous weapon; drug and alcohol abuse treatment and testing; search by any law enforcement officer at any time with or without cause; and not associate with any member of the DGF gang and have no connection whatsoever with the DGF gang or other gang; and DNA collection.

Prior Form 12(s): On August 10, 2011, the offender's conditions of supervision were modified to include participation in mental health counseling. Mr. Ignacio signed a waiver agreeing to the modification after changing his address without permission, testing positive for marijuana, and associating with his half-brother, who was a founder of the DGF gang.

On September 21, 2011, a Petition for Arrest Warrant was filed, charging the offender with failing to answer truthfully all inquiries by Probation Officer; associating with persons engaged in criminal activity and persons convicted of felonies; and violating another federal, state, or local law. The offender was arrested at the U.S. Probation Office on October 5, 2011. An initial appearance is set for October 6, 2011. On March 20, 2012, the Court sentenced the offender to 18 months custody to be followed by 18 months of supervised release.

On May 22, 2013, a Petition for Summons for Offender Under Supervision was filed in the Northern District of California, charging the offender with submitting a positive urine sample (THC) (Charge One); and committing another federal, state, or local crime (Charges Two and Three). On May 24, 2013, the offender failed to appear before U.S. Magistrate Judge Kandis A. Westmore. U.S. Magistrate Judge Kandis A. Westmore issued a warrant for the offender's

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failure to appear. On December 12, 2013, the offender was arrested by officers from the Hayward Police Department, and was brought to Federal Court on March 3, 2014, to answer to new federal charges (Docket Number: CR14-00083 YGR). **He is currently in federal custody.**

On November 17, 2014, the case was reassigned to U.S. District Court Judge Yvonne Gonzalez Rogers.

Type of Supervision

Supervised Release

Assistant U.S. Attorney

Brigid Martin

Date Supervision Commenced

March 22, 2013

Defense Counsel

Phil Vaughns (Appointed)

Petitioning the Court

Petitioning the Court for the issuance of a no bail warrant for the offender's arrest and to take notice of the Petition for Arrest Warrant for Offender Under Supervision as an amendment to the Petition for Summons for Offender Under Supervision (filed on May 22, 2013); specifically the details in Charge Three; the addition of Charges Four and Five; the increased Grade of Violation and Appendix changes; and for the offender to appear in court before the Magistrate Judge for arraignment and setting of further proceedings on January 8, 2015, at 9:30 a.m.

Additional information has been highlighted in bold.

I, Bobby H. Love, Jr., a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number

Violation

One

There is probable cause to believe that the offender violated standard condition number seven (7) which, in part, states the offender shall not use any controlled substance except as prescribed by a physician.

On March 26, 2013, the offender submitted a urine sample which tested positive for THC (marijuana).

This charge is evidenced by an Alere Toxicology Services report (B01772424).

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Two

There is probable cause to believe that the offender violated the standard condition which states, in part, that while on supervised release, the offender shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance.

On or about April 06, 2013, at approximately 10:51 p.m., the offender was arrested by the Deputy Sheriff for the Dublin Police Service (Alameda County Sheriff's Office) for Driving While Under the Influence Alcohol/Drugs. According to the Alameda County Sheriff's Office Dublin Police Service report (Number: D13-01032), an officer observed the offender at a red light at the intersection of Dublin Boulevard and Arnold Road in Dublin, California. When the light turned green, the offender did not move the vehicle from the position. The officer pulled behind the offender, who was the sole occupant of the vehicle, and activated his lights. The officer observed the automobile running; the offender's head reclined on the headrest; and a cell phone in the offender's hand. The officer made attempts to open the driver's side door; however, the vehicle was locked. The officer then tapped a few times on the window and woke the offender. Both of the offender's eyes were bloodshot. The offender confirmed that he must have fallen asleep while awaiting the light. The officer smelled the odor of an alcoholic beverage and marijuana. The offender was detained without incident. A search of the offender revealed 5.1 grams of marijuana.

The offender failed the Field Sobriety Tests (FST). The offender submitted a Preliminary Alcohol Screening (PAS) test which had the results of .078% and .075%, respectively.

The offender was scheduled to appear before the local court on this matter on December 19, 2014. The disposition is unknown at this time.

This charge is evidenced by Alameda County Sheriff's Office Dublin Police Service report (Number: D13-01032).

Three

There is probable cause to believe that the offender violated the standard condition which states, in part, that while on supervised release, the offender shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance.

On or about April 28, 2013, the offender was arrested by the California Highway Patrol, Hayward for Driving While Under the Influence Alcohol/Drugs.

According to a California Highway Patrol arrest report, an officer observed the offender's vehicle driving erratically. The officer

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initiated a traffic stop and contacted the offender. He admitted that he had drunk six or seven beers and had a "blunt." The officer could smell alcohol on the offender's breath, his eyes were bloodshot, and his speech was slurred. The offender failed to adequately perform Field Sobriety Tests and he was arrested.

The offender was scheduled to appear before the local court on this matter on December 19, 2014. The disposition is unknown at this time.

This charge is evidenced by California Highway Patrol records (Number: 2013-00537).

Four

There is probable cause to believe that the offender violated the standard condition which states, in part, that while on supervised release, the offender shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance.

On or about December 12, 2013, the offender was arrested by officers from the Hayward Police Department for Possession of a Loaded Handgun, in violation of California Penal Code Section 25850(a); Possession of a Weapon with Prior Weapon Charges, in violation of California Penal Code Section 25850(c)(1); Felon in Possession of a Gun, in violation of California Penal Code Section 29800(a)(1); Felon in Possession of (10) Round of Ammunition, in violation of California Penal Code Sections 30305 and 496; and outstanding state and federal warrants.

According to the Hayward Police Department arrest report, an officer observed the offender walking with two other individuals, and then enter an apartment. The officer recognized the offender and knew he had an arrest warrant. An arrest team waited until the offender and other two subjects left the apartment and entered a vehicle. As officers arrested the defendant, they observed Ignacio remove a handgun from his waistband and drop it on the floorboard of the vehicle.

On February 13, 2014, a one-count Indictment was filed in the Northern District of California charging the offender with Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1). The Indictment specifically states that the offender possessed a Walther, Model P22, .22 caliber pistol (serial number L199422).

This charge is evidenced by Hayward Police Department Case Report (Number: 2013-00088140), and the Northern District of California Indictment (Docket Number: CR14-00083).

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Five

There is probable cause to believe that the offender violated standard condition number nine (9) which states, in part, that the offender shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.

At the time of the above-noted arrest (Charge Four), the offender was in the company of Kelsey Ann Erwin. A records check revealed that Erwin was on probation. The offender was not authorized by the U.S. Probation office to have contact with Erwin.

This charge is evidenced by Hayward Police Department Case Report (Number: 2013-00088140).

Based on the foregoing, there is probable cause to believe that Gregory Ignacio violated the conditions of his supervision.

Respectfully submitted,

Approved as to form:



Bobby H. Love, Jr.
U.S. Probation Officer
Date Signed: January 7, 2015



Amy Rizor
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

[X] Petitioning the Court for the issuance of a no bail warrant for the offender's arrest and to take notice of the Petition for Arrest Warrant for Offender Under Supervision as an amendment to the Petition for Summons for Offender Under Supervision (filed on May 22, 2013); specifically the details in Charge Three; the addition of Charges Four and Five; the increased Grade of Violation and Appendix changes; and for the offender to appear in court before the Magistrate Judge for arraignment and setting of further proceedings on January 8, 2015, at 9:30 a.m.

☐ Other:

January 8, 2015

Date



Yvonne Gonzalez Rogers
United States District Court Judge

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APPENDIX

Grade of Violations: **A [USSG §7B1.1(a)(2)(A)(iii),p.s.]**

Criminal History at time of sentencing: **IV**

| | Statutory Provisions | Guideline Provisions |
|----------------------------|--|--|
| Custody: | Count Two: 5 years 18 U.S.C. § 3583(e) | Count Two: 37-46 months USSG § 7B 1.4 (a), p.s. |
| | Count Three: 2 years 18 U.S.C. § 3583(e) | Count Three: 24 - 30 months USSG § 7B 1.4 (a) and (b)(2), p.s. |
| Supervised Release: | Count Two: 5 years less any custody time imposed 18 U.S.C. § 3583(h) | Count Two: 5 years less any prison time imposed USSG § 7B 1.3(g) (2), p.s. |
| | Count Three: 3 years less any custody imposed 18 U.S.C. § 3583(h) | Count Three: 3 years less any prison time imposed USSG § 7B 1.3(g) (2), p.s. |
| Probation: | Not Applicable | Not Applicable |